

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBERT HOWE AND BEVERLY HOWE §

V. §

TRAVELERS LLOYDS OF TEXAS §
INSURANCE COMPANY §

CIVIL ACTION NO. 4:16-CV-01375

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Travelers Lloyds of Texas Insurance Company, the defendant in the above entitled and numbered cause, and files this its notice of removal, and in support thereof would respectfully show unto this Honorable Court as follows:

I.
STATE COURT ACTION

This case was initially filed in the County Court at Law No. 2, Montgomery County, Texas. The state court action is styled: Cause No. 16-14-04845; Robert Howe and Beverly Howe v. Travelers Lloyds of Texas Insurance Company, in the County Court at Law No. 2, Montgomery County, Texas.

II.
PARTIES

The plaintiff, Robert Howe, is, upon information and belief, an individual citizen and resident of Montgomery County, Texas.

The plaintiff, Beverly Howe, is, upon information and belief, an individual citizen and resident of Montgomery County, Texas.

The defendant, Travelers Lloyds of Texas Insurance Company ("Travelers"), is an unincorporated insurance association, comprised of individual underwriters, authorized

to conduct business in Texas as a "Lloyds Plan" insurer under the Texas Insurance Code. All of Travelers' underwriters reside in and are citizens of the State of Connecticut and none of Travelers' underwriters reside in or are citizens of Texas.

**III.
JURISDICTION**

This Court has jurisdiction over the subject matter of this cause pursuant to 28 U.S.C. § 1332 because this is a civil action in which the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and represents a dispute for which the properly joined parties are citizens of different states. Accordingly, this case is removable pursuant to 28 U.S.C. § 1441 and § 1446.

**IV.
TIMELINESS**

Travelers was served with process and the plaintiff's original petition on April 29, 2016. Thirty days have not elapsed since Travelers was served with process. Accordingly, pursuant to 28 U.S.C. § 1446, this notice of removal is timely and proper.

**V.
ATTACHMENTS**

Pursuant to 28 U.S.C. § 1446(a), Local Rule 3, and Local Rule 81, the following exhibits are attached hereto and incorporated herein by reference for all purposes:

- a. Exhibit A: Civil action cover sheet;
- b. Exhibit B: Copies of all executed processes in the case, if any;
- c. Exhibit C: Copies of all pleadings asserting causes of action and all answers to such pleadings;
- d. Exhibit D: Copies of all orders signed by the state court judge, if any;
- e. Exhibit E: A copy of the state court docket sheet;

- f. Exhibit F: An index of matters being filed; and
- g. Exhibit G: A list of all counsel of record, including addresses, telephone numbers, and parties represented.

VI.
CONDITIONS PRECEDENT

The defendant has tendered the filing fee required by the Clerk of the United States District Court for the Southern District of Texas, Houston Division, along with this notice of removal. A copy of this notice of removal is also being filed in the County Court at Law No. 2, Montgomery County, Texas, and all counsel of record are being provided with complete copies.

VII.
PRAYER

WHEREFORE, PREMISES CONSIDERED, the defendant respectfully requests that the above action, styled: Cause No.16-14-04845; Robert Howe and Beverly Howe v. Travelers Lloyds of Texas Insurance Company, in the County Court at Law No. 2, Montgomery County, Texas, be removed to this Court.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

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/s/ Greg C. Wilkins
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ATTORNEYS FOR DEFENDANT,
TRAVELERS LLOYDS OF TEXAS
INSURANCE COMPANY

CERTIFICATE OF SERVICE

I do hereby certify that on the 16th day of May, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and also forwarded it to all known counsel of record by Certified Mail, Return Receipt Requested.

/s/ Greg C. Wilkins
Greg C. Wilkins